

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

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| ----- |) | |
| Anne Smithers, James Mims, |) | |
| Ross Wiley, Thomas Wiley, |) | Civil Action No.: 1:18cv676 (TSE/IDD) |
| Henry Wiley by his Mother and |) | |
| next friend Anne Smithers, Hanna |) | |
| Del Signore, |) | |
| |) | |
| PLAINTIFFS, |) | |
| VS. |) | |
| Frontier Air Lines, Inc., and |) | |
| Aircraft Service International, Inc., |) | |
| |) | |
| DEFENDANTS. |) | |
| ----- |) | |

1st DECLARATION OF THATCHER A. STONE, ESQ.

Thatcher A. Stone, Esq., a partner of Stone & Woodrow LLP, attorneys for the Plaintiffs in this action, declares the following to be true under penalties of perjury pursuant to 28 USC §1746.

1. Pursuant to 49 U.S.C. 41712, the Department of Transportation (“DOT”) has authority to address and prohibit unfair and deceptive practices and unfair methods of competition in the airline industry.
2. On 15 July 1996 DOT advised all U.S. air carriers, including Defendant Frontier, that it considered a choice of forum provision in a contract of carriage or tariff for a passenger, limiting the place where any lawsuit against the carrier may be brought against the airline, to the place where the airline is headquartered, as unlawful under 49 U.S.C. 41712.
3. A true and correct copy of the letter from DOT is attached as Exhibit A.

Thatcher A. Stone declares under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

_____/s/ Thatcher A. Stone

Thatcher A. Stone, Esq.

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Counsel for Plaintiffs

Executed the 28th day of September 2018 in Charlottesville, Virginia.